

REMARKS

In the Office action, claims 1, 4, 28, 48, 50, and 65 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-27 of U.S. Patent No. 7,014,670. In addition, claims 1-14, 28, 30-36, 38-43, and 48-51 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. By this amendment, claims 1, 28, and 48 are amended.

The Office action recited that “in claims 1, 28, and 48, the limitation ‘a negative pressure conduit’ that conveying powder from the cyclone to the feed hopper is not disclosed in the specification and claims before or after RCE was filed.” Applicant respectfully brings to the Office’s attention that claims 1, 28 and 48 do not contain the language “a negative pressure conduit.” The rejection, therefore, is based on language not within the claims; thus, the rejection is improper.

Furthermore, Applicants respectfully submit that the subject matter of the pending claims is conveyed in the specification with reasonable clarity to those skilled in art. Applicants do not acquiesce in the rejection and submit that a “vacuum line” is but one example of a conduit under negative pressure. Therefore, the latter terminology was fully supported by the specification as filed and the ordinary meaning of terms in English. Nevertheless, solely to advance the case to issue, Applicants have amended independent claims 1, 28, and 48 to replace the term “conduit” with the term “vacuum line.” The term “vacuum line” is used through the specification. For example, on page 33, lines 23-29, the specification recites:

An appropriate fitting is used at the outlet port 365 to connect thereto a vacuum line 318. The vacuum line 318 is connected at its opposite end 318a to a vacuum receiver system 320. . . . A vacuum source or pump 326 is used to produce a vacuum inside the receiver 320 and the vacuum line 318. This vacuum draws the powder that enters the cyclone transfer pan 314 out of the pan 314 and transfers it to the vacuum receiver 320.

Therefore, Applicants respectfully submit that independent claims 1, 28, and 48, as amended, and the claims that depend therefrom, comply with the written description requirement.

In response to the double patenting rejection, a terminal disclaimer is filed herewith. It is respectfully submitted that the claims are allowable and favorable reconsideration is respectfully requested.

Date: Sept. 8, 2006

By: MRB/Hull
Mark R. Hull, Reg. No. 54,753
(216) 622-8419